# Complaints Policy

Ratification Date: ___20/07/21_____

Signed: ___AJHawkins_____

Review Date: ___11/09/26_____

Date of next review: Sept 2027

**Version Control**

| Version | Date | Changes |
|---|---|---|
| V1 | 20/07/21 | Original policy |
| V1.1 | 08/09/23 | Reformatted; update to section 2 clarifying 3rd party providers; update on role of Directors; Serial and Persistent Complaints added as Appendix |
| V1.2 | 04/09/24 | Reformatted; x2 minor spelling /syntax errors amended |
| V1.2 | 12/09/25 | Updated review schedule statement, statement in introduction bolded, revised front pages formatting |
| V2 | 11/09/26 | Updated Section 1 HoC reference |
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**Review**

Approved and reviewed by The Board of Directors.

This policy will be reviewed biannually, or more frequently, if necessary, to ensure that it remains up-to-date and effective. The review will take into account changes in legislation, guidance, and best practice.

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## 1. Introduction

It is in everyone's interests that concerns are resolved/clarified at the earliest possible stage. Where concerns are raised Liminal Education will work with the individual who raised the concern to identify what would resolve the situation and then endeavour to find a resolution at the earliest opportunity.

In accordance with Section 29 of the Education Act 2002, all local authority-maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the provision provides. **Whilst Liminal Education is not a local authority-maintained school, we believe that we should be held to the same standards of practice.**

Initial concerns should be dealt with by the Head of Centre. These should be taken seriously, and every effort made to resolve matters as quickly as possible. In certain cases, it may be appropriate to forward these to the CEO (or to the Directors if the complaint is about the CEO).
Where it is not possible to resolve concerns informally, the formal complaints procedure can be accessed. This document outlines how complaints will be dealt with under the Formal Complaints Policy.

Complainants will always be given the opportunity to complete the complaints process in full, regardless of whether it is felt that that the complaint is justified or not. If the complaints process is ongoing and further enquiries are received regarding the same subject we will not respond to the new enquires/complaints. This is because it is unhelpful to have more than one investigation ongoing which duplicate the issues being investigated.

## 2. Complaints about services provided by external bodies using Liminal Education premises

Where Liminal Education have third party providers offering services through the premises, or using our facilities, the providers must have their own complaints procedure in place. Any complaints made concerning third party providers will be dealt with under their own procedures. The Directors will ensure that providers have the correct processes in place to deal with any concerns or complaints and any issues should be raised with the provider directly.

## 3 Who can make a complaint?

Any person, including members of the public, may make a complaint about any provision of facilities or services that Liminal Education provides, unless statutory procedures apply (such as exclusions or admissions, a list is included within the next section).

## 4. Exclusions to the complaints procedure

The following issues will not be subject to the Liminal Education complaints procedure as they are outside of organisational jurisdiction:

- admission to schools;
- exclusions;
- special educational needs (SEN Tribunal)
- claims for damages
- staff grievance or disciplinary matters
- child protection issues;
- claims for damages.

Complaints made against Liminal Education staff will be considered, however where it is determined that matters should be dealt with under the organisational grievance and disciplinary procedures complainants will not be informed of the outcome.

Where a complaint relates to the behaviour of a pupil this may be subject to the organisational conduct and disciplinary procedures and the detail will remain confidential to Liminal Education and the parents of the child involved.

Complainants can be assured that the complaints will be investigated fully but due to data protection information will not be shared with them in these circumstances. Where complaints concern child protection matters these should be raised with Liminal Education but will not usually be considered as a formal complaint where there is likely to be a Child Protection Investigation.

Where a complaint is received which should not be dealt with as a formal complaint, Liminal Education will write to the complainant to advise them of this and the reason for the decision. Liminal Education will confirm the correct process to be followed.

## 5. Accessibility

Liminal Education will ensure that the formal complaints procedure:

- is easily accessible and publicised both within Liminal Education premises and available on its website;
- is simple to understand and use;
- is impartial and in the spirit of working together co-operatively to reach the best resolution for everyone;
- respectful of confidentiality for all;

## 6. Time limit for making a complaint:

In general, any matter which is raised more than 3 months after the event being complained of, will not be considered.

## 7. Recording Complaints:

Complaints should be made on the form provided by Liminal Education. This is to ensure that there is an accurate record of the complaint, and it is clearly understood. However, if complainants are unable to complete this form complaints will be accepted in the following ways:

- in person;
- by telephone;
- or in writing.

When a formal complaint is received, Liminal Education will write to the complainant within 5 working days to confirm what will happen next and the anticipated timescales.

## 8. Keeping people informed

Each stage of the complaints process has agreed timescales which should be adhered to. If for any reason this is not possible the CEO/Directors will write to the complainant to explain the reasons and confirm when the action will be completed.

## 9. Stages of the complaints process

The following outlines the stages of the formal complaints procedure, at the end of each stage of the procedure complainants will be advised of how to progress to the next stage if they remain dissatisfied with the way in which the investigation has been conducted.

9.1 Formal stage one: a formal complaint will be investigated by the CEO or person nominated by the CEO. The investigation will be completed within 10 working days and at the end of the investigation a full written response will be sent to the complainant.
If the formal complaint is about the CEO this will be dealt with by the Directors

9.2 Formal stage two: if stage one has been completed and the complainant remains dissatisfied with how the investigation was conducted the complaint can be referred to the Directors. The request for stage 2 should be made to the Directors within 10 working days of receiving the stage 1 response in writing. The Directors panel will be independent and made up of members who have had no awareness or involvement with the complaint previously. The panel will carry out a review of the investigation which has been completed at stage one.

The request to progress to stage 2 should include a statement from the complainant which clearly states why they remain dissatisfied with the conduct of the investigation. If the reasons are not clear the Directors will write to the complainant to request the additional information required to review the complaint or consider inviting the complainant to attend the panel to present their views in person. The Panel will not usually consider any new issues and will review the investigation

that has taken place at stage 1. The request to progress to stage 2 should be requested within 10 working days of receiving the stage 1 response.

Complainants have the right to request an independent panel if they believe that there is likely to be bias in the proceedings. Liminal Education will consider approaching a third-party organisation to ask for help. Liminal Education will consider any such request but ultimately, the final decision is made by the CEO. The panel will normally be conducted through consideration of a written submission, but reasonable requests to make oral representations will be considered sympathetically.

The final decision will be made by the Directors. The panel should take place within 10 working days of receipt of the request and the panel decision will be issued within 5 working days of the panel being heard.

## 10. Next Steps for complainants who remain dissatisfied with the way in which the investigation was conducted

When stage 2 has been completed this is the end of the complaints procedure. If complainants are dissatisfied with the way in which the investigation was conducted, they may ask for a further review of the process by the local authority where their child resides. If complainant has completed the local procedures and remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so .Further information can be obtained from the DfE School Complaints Unit by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus

## 11.Social Media

Individuals who raise concerns are asked to comply with the organisational guidance on social media which should be available on the website, a complaint can be undermined by:

- Comments made on social media
- Identifying individual staff on social media
- Personal abuse targeted towards individual members of staff
- Physical or verbal threats targeted to individuals or groups of staff

These behaviours amount to harassment and will be dealt with by the Police.

## 12.Serial and Persistent Complainants

Liminal Education is committed to working with anyone who raises an issue to take this seriously and work towards finding a solution to concerns. Generally, this should be a straightforward process, and the organisation values the feedback that we receive on services.

We accept that complainants may ask difficult questions where they believe that things have gone wrong and have a right to go through the complaints process. However, in a minority of cases people pursue their feedback in a way which is inappropriate. Where Liminal Education is contacted repeatedly by individuals making the same point or asking for reconsideration on our position, we will need to take appropriate action.

Liminal Education has a Serial and Persistent Complaints Policy for these difficult situations, attached at Appendix 1.

This policy sets out what is considered to be unreasonable behaviour and the action that will be taken to address this. The application of a 'serial' or 'persistent' marking will be made against the subject of the complaint itself rather than the complainant.

## APPENDIX 1

## POLICY FOR SERIAL AND PERSISTENT COMPLAINANTS

Liminal Education is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the provision. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Liminal Education defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the organisation, hinder our consideration of their or other people's complaints'.

The following are a list of issues and behaviours which could be considered to be unreasonable, this list is not exhaustive.

A complainant:
• refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
• refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
• refuses to accept that certain issues are not within the scope of a complaints procedure;
• insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
• introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
• makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
• changes the basis of the complaint as the investigation proceeds;
• repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
• refuses to accept the findings of the investigation into that complaint where the organisational complaint procedure has been fully and properly implemented and completed
• seeks an unrealistic outcome;
• makes excessive demands on Liminal Education time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
• maliciously;
• aggressively;

• using threats, intimidation or violence;
• using abusive, offensive or discriminatory language;
• knowing it to be false;
• using falsified information;
• publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Liminal Education will deal with formal complaints in accordance with the timescales stated in the Complaints Policy and will agree the scope of the complaint at the start of the process. Once the complaint is agreed complainants should limit the numbers of communications with the organisation while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the CEO and COO will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. The application of a 'serial' or 'persistent' marking will be against the subject or the complaint itself rather than the complainant. If the behaviour continues the CEO will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact Liminal Education causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Liminal Education.